

Unexpected Closures for Schools and Sponsor Agencies

Frequently Asked Questions (FAQs)

Last Update: 4/15/2020

4/15 – Updates in green font.

4/1 – Updates in blue font.

Planning:

1. What can my school do to prepare for an unexpected school closure?
 - a. Keep open and frequent discussions with your school Administrators to stay on top of what their plans are for school closings.
 - b. Apply for the unexpected school closing NOW, before your school closes!
 - c. Look at your inventory to see if there are perishables that need to be used up before a school closing, or if you need additional inventory such as “to go” supplies to continue feeding during a school closing. Talk with your vendors to let them know what will be changing.
 - d. Talk with your staff to discuss your plans if your school intends to close and continue feeding. You may want to find substitute staff if your food service staff must stay home due to illness.
2. What SFAs or Sponsor agencies are eligible to continue feeding kids during the school closures?
 - a. School Food Authorities and sponsor organizations that currently operate the **School Nutrition Programs** or the **Child and Adult Care Food Program** and are in good standing may apply to use the SFSP during unexpected closures.
 - b. School Food Authorities that currently operate the School Nutrition Programs are also eligible to use the **Seamless Summer Option (SSO)** if they are in good standing.
 - c. Sponsor organizations requests that would result in duplicate coverage of children cannot be approved.
 - d. Child and Adult Care Food Programs are eligible to do non-congregate feeding, due to the nationwide waiver.
3. Can hutterite colonies participating in NSLP/SBP continue to provide meals? How?
 - a. Colony sites that typically operate the National School Lunch Program and/or School Breakfast Program must be considered Closed Enrolled sites according to Governor Noem’s mandate. If you would like to continue to serve and claim colony meals, the school district must have an approved SSO or SFSP site application for that colony.
 - b. Also, please remember that the waivers currently in place from USDA require non-congregate feeding, using unitized meals that meet the meal pattern. You have the option to not claim the colony meals during the unexpected closure if they continue to feed family style, or you can work with them to serve non-congregate, unitized meals which meet the full meal pattern requirements.
 - c. Schools cannot operate SSO/SFSP and SNP at the same time, so submitting claims for both programs will not be allowed during the closure. Keep in mind that the month of March may have an SNP claim and an SSO claim, as the unexpected closure did not occur until mid-way through the month.
4. Can my SFA or Sponsor agency change the way we serve meals during normal school time to prevent the spread of illness?
 - a. Yes, please call the CANS office to discuss. This may be as simple as updating your meal count/claim method in your current iCAN application.
5. Is extra funding available to deliver meals or for the added cost of grab and go meals?
 - a. There is no additional funding available from the federal program. These expenses are allowable costs under SFSP and SSO.
6. My SFA has an excess fund balance account that is over the three-month operating surplus, can my SFA serve free meals to all children while school is closed even though I am only approved to operate a Closed Enrolled site and receive reimbursement for the enrolled students?

- a. No, typically this is not an allowable cost to the program. Allowable costs to the program must be in direct support of the operation of the National School Lunch and Breakfast Programs and must be reasonable, necessary, and allocable.

It is also not allowed to serve meals under this special circumstance free of charge to all children and not submit a claim for reimbursement. The meals created and served using Food Service funds must be reimbursable meals. Creating meals that are not reimbursable are not an allowable cost to the Food Service account.

USDA Foods (commodities) may not be used for any purpose outside of the USDA FNS Child Nutrition Programs (School Nutrition Programs (including SSO), Summer Food Service Program, and Child and Adult Care Food Program).

7. Who should I contact if I have any questions about school and child feeding programs in South Dakota?
 - a. Contact the SD Department of Education, Child and Adult Nutrition Services (CANS) office at: phone number (605) 773-3413, email: DOE.SchoolLunch@state.sd.us, fax (605) 773-6846

Requirements to Follow under SSO or SFSP:

8. How does my school or sponsor agency get started?
 - a. Please review the CANS website (<https://doe.sd.gov/cans/index.aspx>) under the section *Announcements Regarding Coronavirus/COVID-19*.
 - I. Start with the [Instructions on how to apply](#) and send an email with the information to DOE.SchoolLunch@state.sd.us
 - II. Review the **Frequently Asked Questions** document
 - III. Complete the [Unexpected School Closure Supplement Form 1](#) and attach to your iCAN application as instructed.
 - IV. Complete the UC site applications listed in iCAN.
9. Do children need to be present to receive a reimbursable meal? Can I drop off meals at a site or have an adult pick up the meals?
 - a. Program requirements indicate that meals must be served/provided directly to children, however, USDA Food & Nutrition Service (FNS) recognizes that in this public health emergency, continuing to require children to come to the meal site to pick up meals may not be practical, and has granted a waiver from student presence when receiving a meal.

With waiver approval, Program operators may distribute meals to a parent or guardian to take home to their children. Please consider completing the [Child Not Present Waiver Form](#), and email to DOE.SchoolLunch@state.sd.us.

When completing the Child Presence Waiver, please note: (1): feeding site(s) the waiver is requested for; (2): Describe processes used to ensure that meals are distributed only to parents/guardians of eligible children, and that duplicate meals are not distributed; and (3): How the waiver approval will improve services to program participants.

Please note, this waiver applies to guardians picking up meals for SSO (NSLP/SBP)/SFSP/CACFP operation.

10. Is my School Food Authority (SFA) or Sponsor agency required to continue following all of the normal program requirements?
 - a. Yes, if you are claiming meals for reimbursement all the normal program requirements remain in place for SFAs and Sponsor agencies. All requirements such as proper program meal pattern requirements,

production records, proper point of service meal counts, food safety logs, etc. must be followed as normally required by the program. Only the requirements for congregate feeding and the prohibition of summer feeding from occurring at a school have been waived.

NOTE: A meal pattern waiver is available in certain circumstances. See #11 for details.

- b. For agencies operating the Summer Food Service Program (SFSP), the following link provides the SFSP meal pattern: <https://doe.sd.gov/cans/documents/SFSP-MealChart.pdf>

11. My participating school/agency is experiencing challenges in meeting meal pattern requirements due to lack of food availability. What do I do?

Program operators (NSLP, SBP, SSO, SFSP, CACFP) must meet meal pattern requirements, however, USDA Food & Nutrition Service (FNS) recognizes potential disruptions to the availability of food products resulting from unprecedented impacts of COVID-19, and has granted a waiver from the meal pattern requirements.

With individual event approval, program operators may serve meals that are waived from meal pattern requirements. If participating school/agency has encountered disruptions to the availability of food products resulting from COVID-19 and recognized the inability to meet meal pattern requirements, please consider completing the [Meal Pattern Waiver Form](#), and email to DOE.SchoolLunch@state.sd.us.

When completing the Meal Pattern Waiver, please note: (1): the encountered disruptions to the availability of food products, (2): the specific meal service days impacted, and (3): efforts made in attempt to meet the meal pattern.

Please keep in mind that the Meal Pattern Waiver must be completed for each occurrence of disruption to food availability, resulting in meal pattern non-compliance. Noncompliant meals would only be reimbursable with an approved waiver.

12. Does my school/agency have to follow procurement procedures during the COVID-19 emergency?
Federal procurement regulations at 2 CFR 200.320(f) allow procurement by noncompetitive proposals when there is a public emergency.

There should be an Emergency Clause in your procurement plan that outlines how you can make purchases during an emergency. Make sure to document the purchase, note the reason for the emergency, and keep that on file with your normal procurement documents.

13. Under SSO, is my site eligible to serve the K-8 or 9-12 meal pattern for lunch to all students regardless of their grade?

- a. You must follow your normal meal patterns used during school time, the exception is if your SSO is an **OPEN** site. If you choose the waiver option in the SSO site application complete in Part 5 in the Supplement Form 1.

14. What is "Area Eligible?"

- a. Sites that have a 50% or higher free and reduced student eligibility rate are "Area Eligible" and that means that site can feed all children (ages 0-18) for free and receive the free reimbursement rate for each meal. This site eligibility can be from any month during the school year.
- b. Sites that do not meet that 50% or higher free and reduced student eligibility rate are NOT "Area Eligible." These sites are called Closed Enrolled sites. Only students enrolled in the school district may be fed and the site must keep track of student names during the meal count. The site may not feed any child that is not enrolled to attend their school.

Please see #15 for more information.

15. Is there an 'Area Eligible Waiver'?

- a. SSO and SFSP sites may OPT IN to Area Eligibility via the recently approved waiver. If your school/agency would like to utilize this waiver, please send an email to DOE.SchoolLunch@state.sd.us with "Opt in to Area Eligibility Feeding" in the subject line. Your email will serve as acknowledgement that you understand the requirements to use this option, and you may begin using it as soon as it is feasible for your school.

Please keep other approved waivers in mind; for example, if a school is also utilizing the 'Child Not Present Waiver', the school would be expected to follow procedures recognized UNLESS the school chooses to update their process. Feel free to contact the CANS office with any additional questions.

- I. As a reminder, Area Eligible sites are able to provide the meal program by meeting the following requirements:
 - Service of meals to all children (18 year of age and under), regardless of enrollment
 - Home delivery to all children (18 years of age and under) regardless of eligibility certification
 - Simplified Point of Service meal count tracking (basic tally mark of meals provided is acceptable)
 - Utilize a single meal pattern (such as 9-12 meal pattern provided to all children)
- II. Keep in mind that CANS will reach out to those who have opted in to Area Eligibility via waiver to complete a survey providing justification as to the need for Area Eligibility as it pertains to your own school and situation.

16. Can I serve reimbursable meals on weekends or normal non-school days (i.e. a 4 day a week school or spring break)?

- a. Yes, under both SSO and SFSP this is allowed.

17. Can my SFA or Sponsor agency hand out more than one meal at one meal service time?

- a. Yes, a school can prepare and serve multiple meals at one delivery time. Each meal must be a complete meal that follows your meal pattern requirements (typically the same requirements used during normal school days). **No more than 5 serving days of meals/snacks may be provided at once (10 total).** Meals must be given to eligible children. Offer versus serve is not allowed, so the child is not allowed to decline food.

Please keep in mind food safety and the quality of the food. For example, an assembled ham and cheese sandwich will become soggy after a day or two, so serve the meat and cheese in bulk separately from the bread.

18. In my SSO application I estimated that 300 students would come to pick up meals, but my first day 500 students came to pick up meals, how many meals can I claim?

- a. In SSO, you can claim the 500 reimbursable meals served to eligible students. The number recorded in your application is a planning tool.

In SFSP, you must let the CANS office know and a quick update must be made in your application before submitting the claim for reimbursement.

Meal Delivery:

19. Can meals be delivered directly to student's homes?

- a. If you are a School Food Authority sponsor of school sites, you may deliver meals if it is logistically and financially feasible. Meals may only be served to children who are in Area Eligible locations or are

eligible for free and reduced-price meals in Close Enrolled sites. Students that do not qualify for free or reduced-price meals in Close Enrolled sites do not qualify for home delivery. The SFA delivery plan in Supplement Form 1 must include designated times for delivery. All children attending a Provision 2, Provision 3, or Community Eligible Provision school are eligible for delivered meals.

Please note: Opting in to the Area-Eligible Waiver would allow a School Food Authority/school site to provide home delivery to all students, regardless of eligibility certification. Please see the information above regarding Area Eligibility for details.

If you are NOT a School Food Authority sponsor of school site, you are NOT allowed to deliver meals to student's homes.

20. If my school wants to deliver meals directly to student's homes, what other requirements must be completed?

- a. Schools must first obtain **written consent** from households of eligible children (includes email or other electronic means) that the household wants to receive delivered meals. In addition, schools should confirm the household's current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location.

The notification must alert the household if contact information will be shared with an external organization, for example, a local non-profit that will provide meal delivery. If the school is using a private vendor, they must have a memorandum of understanding (MOU) with the vendor concerning the confidentiality requirements.

21. Does the child need to be present for home meal delivery?

- a. No. As long as the school has obtained the household's written consent to deliver meals and has verified the current address, the student does not need to be present at the time of delivery. If the meals are shelf-stable, no one need be present, as long as the address has been verified. Please consider state and local food safety requirements and best practices.

22. How can meals be delivered?

- a. By mail, delivery service, or hand-delivered by school staff, volunteers, community organizations, or others.

Meals Offered during Distance Learning:

23. What options do schools have if the school facilities are closed but they continue to offer online learning?

- a. If school buildings are closed unexpectedly during the school year due to reasons provided in 42 U.S.C. 1761(c)(1), USDA considers this an unanticipated school closure. Even if virtual learning is provided, if the building is closed and students cannot attend their physical school location for classes, SFAs and community organizations (COs) may operate SFSP and SSO programs as permitted under program requirements.

If an SFA is considering school to be in session and wishes to continue offering National School Lunch Program (NSLP) and School Breakfast Program (SBP) during such building closures, the SFA may request an NSLP and SBP waiver of section 4(b) of the NSLA, which would allow schools to offer non-congregate meals when school buildings are closed, but children continue to attend classes online. In this situation, schools would continue to claim and be reimbursed for meals based on the eligibility status of the individual student. All other NSLP and SBP requirements would apply; waiver and exception requests would be considered.

Fresh Fruit and Vegetable Program

24. May the Fresh Fruit and Vegetable Program (FFVP) be provided during the unexpected closure?

- a. Elementary schools approved for the FFVP may provide an FFVP offering to students at the time operators determine to be appropriate.
- b. The FFVP offering may be provided to elementary students in a non-congregate setting, including home delivery, and at the same time as another child nutrition meal service offering.
- c. The FFVP offering may not be provided to parents/guardians, unless accompanied by the child(ren).
 - I. This means that a child must be visibly present when providing the FFVP offering.
 - II. The nationwide waiver allowing parents to pick up meals for children does not apply to the FFVP.
- d. If your site is operating under the Area Eligible Waiver (Open status), you may provide the FFVP offering to any child attending the site.
- e. If multiple meals are provided at one time, the school may also provide multiple servings of FFVP foods at one time.
- f. The FFVP offering is in addition to meal distribution. This FFVP offering cannot also count toward a required meal component.

Meal Counting and Claiming for Reimbursement:

25. What meals can be reimbursed?

- a. Meals that comply with all the current requirements and served during a normal school day can be reimbursed following normal program requirements.
- b. Meal service that complies with the following specially waived provisions:
 - I. Meals served at an SFA or Sponsor agency that have been approved to serve meals under SSO or SFSP during an unexpected closure. These meals must be served to eligible children as a complete, unitized meal; offer versus serve is NOT allowed. Proper meal counts are taken at the point of service. Meals are reimbursed at the free rate and children are served meals free of charge.
 - II. Meals served during an unexpected closure do not need to be served in a group setting, like typical school cafeteria meal service. Meals may be served to encourage “social distancing,” some examples include:
 - “Grab and Go” a child may come to the feeding site to pick up a meal that is not immediately eaten at the site.
 - “Drive Thru” a family may drive up to a feeding site with their children to pick up a meal. The family drives away to eat the meal somewhere else.
 - Meals delivered to low income neighborhoods for pick up by families. An SFA or Sponsor agency can drive meals to an area for distribution to eligible children. The children take the meals away from the distribution site to eat somewhere else.
 - Meals delivered on the normal bus routes for families to pick up.

26. What numbers do I submit for reimbursement for breakfast and lunch, can I submit an estimate or the number of meals I prepare?

- a. Your claim can only include reimbursable meals served to eligible children. Just like in normal school operations you cannot submit an estimate, or the number of meals prepared, but not served or your claim for reimbursement.

27. How should my Closed Enrolled Site keep a meal count of only my districts enrolled student meals?

- a. Many schools are using a printed list of student names or using their normal point of service system. Please keep in mind that you are trying to prevent people from passing the virus on. If using a PIN, consider how you disinfect the pad between students or can one staff member enter the PIN for the student.

28. What should I enter into my point of sale computer system to get free meals entered?

- a. Please work with your software vendor to determine a way to temporarily allow free meals for all students. If your software vendor is unable to do this in your system, you may need to work with your

Business Official to determine an acceptable method to keep these meal counts on file for audits and program reviews.

29. If my school is offering more than one meal for pick up, how do I document the meal counts for reimbursement?
- The school should have a clear method on the meal count form of each meal (breakfast, lunch, snack, supper), date that each meal should be consumed, and the date of meal service.
 - For example, the point of service paperwork should clearly state that: Meals served on 3/16/2020 include 2 lunches and 2 breakfast meals served for dates. Lunch dates are: 3/16 and 3/17; Breakfast dates are: 3/17 and 3/18.
30. On what days should I claim the meals for reimbursement – on the day of service or the day they should be eaten?
- The day the meal should be eaten.
31. In the iCAN system claim for reimbursement, where do I enter my Unexpected Closure meal counts?
- The meal counts you submit for reimbursement **must be recorded separately from your normal school or center operation**. This is a federal reporting requirement. Please add your meal counts to the new “UC” sites that were added to your SSO or SFSP application.

For meal counts taken during normal school day or normal operating days, those meals should be added to your normal SNP or CACFP sites.

Do not add meal counts to both locations.

Monitoring Requirements:

32. Are Monitoring Requirements still in place?

- USDA Food & Nutrition Service has waived the following onsite monitoring requirements during the unanticipated closure:
 - CACFP onsite monitoring requirements for CACFP sponsoring organizations: Observation of meal service during unannounced review; no more than six months may elapse between reviews, included in 7 CFR 226.16(d)(4)(iii).
 - CACFP sponsors may conduct two reviews of their CACFP facilities. Requirement for reviews to occur within six months is waived.
 - Only one CACFP facility review is required to be unannounced.
 - New facilities must still receive at least one review within the first four weeks, however, this waiver allows sponsoring organizations to review new CACFP facilities as a desk audit.
 - CACFP onsite monitoring requirements for State Agencies: Application procedures for new institutions/pre-approval visit (may elect pre-approvals to occur offsite); frequency and number of required institution reviews, included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6).
 - NSLP/SBP/SSO onsite monitoring requirements for State agencies and School Food Authorities: Onsite portion of administrative review; monitoring multiple sites; SSO onsite monitoring by State agency, included in 7 CFR 210.8, 210.18, and 220.8(h).
 - SFSP onsite monitoring requirements for sponsoring organizations: Training and monitoring for administrative and site personnel, included at 7 CFR 225.15(d). SFSP sponsors may elect to waive onsite review requirements (such as on-site observation during first week of operation), and instead complete monitoring and review offsite.
 - SFSP sponsors may also postpone SFSP site reviews until normal summer operations (May through August 2020).

- If a SFSP site is only operating during the COVID-19 emergency, the SFSP sponsor must conduct the required review, but may elect to do so offsite.
- V. SFSP onsite monitoring requirements for State agencies: Frequency and number of required reviews, included at 7 CFR 225.7(d)(2)(ii). Pre-approval visits of new SFSP sponsors and sites may be conducted offsite.

State agencies, SFAs, SFSP/CACFP Sponsoring Organizations should, to the maximum extent practicable, continue monitoring activities of Program operations offsite. Maintain records to document compliance with waivers and program requirements, such as letter or communication of the waiver. Please contact the CANS office with any questions regarding onsite monitoring.

Waivers SD Submitted to the USDA:

33. What are the approved USDA waivers and what do they cover?

- a. The CANS office has received approval from USDA for two specific waivers:
- I. A waiver to allow non-congregate feeding. Grab and go or meal delivery methods may be allowed. Children do not need to eat at the feeding site during unexpected closures.
 - II. A waiver to allow school sites to operate the Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) during unexpected school closures.
 - III. A waiver of meal service time restrictions for all sponsors in the SFSP to provide flexibility meal of times. This was granted in 2019 and expires April 30, 2020, a renewal to this waiver was submitted in January or February.
 - IV. A waiver for the meal pattern requirements in the event of disruptions to the availability of food products. The waiver must be completed for each event. Program operators must apply for waiver approval. Applicable for SSO (NSLP/SBP), SFSP, and CACFP ([Meal Pattern Waiver Form](#)).
 - V. A waiver to allow parents/guardians to obtain meals for students without the need for child presence. Program operators must apply for waiver approval. Applicable for SSO (NSLP/SBP), SFSP, and CACFP ([Child Not Present Waiver Form](#)).
 - VI. A waiver to allow SSO and SFSP sponsors and sites to OPT IN to Area Eligibility. See the Area Eligibility portion above for details.
 - VII. A waiver for Onsite Monitoring of CACFP, NSLP/SBP/SSO, and CACFP. Please see the Monitoring section above.

34. Has CANS applied for any other USDA waivers?

- a. [CANS has received approval on all waivers that have been applied for. Additional waivers may be applied for at a later date.](#)